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United States Attorney Southern District of New York

86 Chambers Street New York, New York 10007

September 5, 2008

By Fax

Hon. Henry Pitman United States Magistrate Judge United States Courthouse 500 Pearl Street, Room 750 New York, New York 10007

THE SCITEPULE PROPOSED HEREN U APPROVER.

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SO ORDERED

Re: Joseph Rigano v. Astrue

07 Civ. 10282 (WHP) (HBP)

HENRY PITMAN UNITED STATES MAGISTRATE JUDGE 9-8-08

Dear Judge Pitman:

This Office represents the Commissioner of Social Security, the defendant in this action. We write respectfully, with the consent of plaintiff's counsel, to request an extension of the current briefing schedule.

Under the current schedule, defendant's brief in support of a cross-motion for judgment on the pleadings is due by September 8, 2008, and defendant's reply, if any, was due on September 22, 2008. The Social Security Administration continues to review this matter, which could result in a change of the defendant's litigation position in this action. Because this matter may be settled without the need for further litigation, we respectfully request that the Court adopt the following proposed briefing schedule:

- Defendant shall serve a cross-motion for judgment on 1) the pleadings by October 10, 2008;
- 2) Plaintiff's reply, if any, is due by October 24, 2008

Plaintiff's counsel has consented to this request. This is the second request for an adjournment of the briefing schedule.

We apologize for the delay in making this request and thank the Court for its attention to this matter.

Respectfully,

MICHAEL J. GARCIA United States Attorney

By:

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cc: Charles E. Binder, Esq. (By Fax)